

IMPORTANT
PERMIT INFORMATION
FOR
WATERFRONT PROPERTY OWNERS

Provided by the
Fairfax County Department of Planning & Zoning
703-324-1380
www.fairfaxcounty.gov/dpz



Wetlands Permits for Waterfront Property

As an owner of waterfront property in Fairfax County, you are an important member of a partnership to protect our environment. This partnership includes Fairfax County government and other state and federal agencies. Our mutual goal is to preserve the quality of our waterways by preventing erosion and protecting wildlife and vegetation.

So what does this mean when you want to build a deck to enjoy the water view? It means that you will probably need a permit to make any changes to your property. To learn more about the permit process, please review the following questions and answers. We have also included a glossary that explains the meaning of the words in italics and a list of resources if you have more questions.

Thank you for your stewardship of our sensitive ecosystem and we look forward to working with you.

Do I need a permit?

If you own property on the waterfront in Fairfax County, you may need a permit before you build or make improvements on your property. These activities, known as land disturbing activities, often require a permit if done in an area that has been identified as a *tidal wetlands*. Land disturbing activities include the following:

- Any construction project on or adjacent to a tidal body of water.
- Any construction project in which fill material is placed in or near wetlands.
- Construction of bridges, tunnels or roads which may have an impact on wetlands, either tidal or non-tidal.
- Projects designed to protect property adjacent to shorelines.

What type of permit do I need?

The type of activity you plan will determine what type of permit you will need.

- The *Fairfax County Wetlands Board* must issue a permit for shoreline disturbances along the water's edge which may impact *vegetated* or *non-vegetated wetlands*, such as the construction of bulkheads, the placement of rip rap or dredging.
- In addition, some activities require permits from other agencies in addition to the Wetlands Board:
 - All activities in the *floodplain* require permit approval from the Fairfax County Department of Public Works and Environmental Services (DPWES). Information about floodplain activities is available in the Zoning Ordinance of the County of Fairfax, Chapter 112, Code of the County of Fairfax [http://www.co.fairfax.va.us/gov/ocp/zoning_ordinance.htm] or by calling 703-324-1720.

- Land disturbances within the [Resource Protection Area](#) (RPA) are restricted by the [Chesapeake Bay Preservation Ordinance](#). Most activities not associated with [erosion control](#) in the RPA require an exception from DPWES. More information can be found in the Code of Fairfax County, Chesapeake Bay Preservation Ordinance, Chapter 118. Visit [\[www.co.fairfax.va.us/government\]](http://www.co.fairfax.va.us/government) to view the ordinance or call 703-324-1720 for more information.
- Other wetlands activities may require permits from or notification to other county, state or federal agencies, but may not require a permit from the Fairfax County Wetlands Board. These activities may include:
 - Construction and maintenance of:

catwalks	piers	boathouses
boat shelters	fences	duckblinds
wildlife management shelters	observation decks	footbridges
shelters constructed on pilings		
 - Normal maintenance and repair of existing roads, highways, railroad beds adjacent to or crossing wetlands, provided no waterway is altered and no additional wetlands are covered.

How do I apply for a permit?

To find out if you need a permit for your planned project, you must first file a Joint Permit Application with the Virginia Marine Resources Commission. This will begin the review process notifying the [Corps of Engineers](#), [the Fairfax County Wetlands Board](#), the [Virginia Marine Resources Commission](#) and [the Virginia Department of Environmental Quality](#) of the planned activity on your property. If you have any questions about your proposed project call the Fairfax County Wetlands Board staff at 703-324-1380 or call the Virginia Marine Resources Commission's Habitat Management Division at 757-247-2200.

Do I need any other permits from the county?

In addition to the permit provided by the Fairfax County Wetlands Board, you may also need one or more of the following county permits:

- a building permit – Department of Public Works and Environmental Services (DPWES)
- a special exception – Department of Planning & Zoning, Zoning Evaluation Division
- a variance – Department of Planning & Zoning, Zoning Evaluation Division
- a clearing and grading permit – Department of Public Works and Environmental Services (DPWES)
- an erosion and sedimentation control permit – Department of Public Works and Environmental Services (DPWES)

Please visit the Fairfax County website to determine the procedures for any of the permits mentioned above [www.co.fairfax.va.us].

Who do I contact for more information?

For questions about activities conducted in all wetlands in U.S. waters:

United States Army Corps of Engineers
Northern Virginia Field Office
18139 Triangle Shopping Plaza, Suite #213
Dumfries, VA 22026 (703) 221-6976
www.nao.usace.army.mil

For questions about activities conducted in areas within *mean low water* and an elevation above mean low water equal to 1½ times the *mean tide range* at the site:

Fairfax County Wetlands Board Staff
Department of Planning and Zoning, Planning Division
12055 Government Center Parkway, Suite 730
Fairfax, VA 22035-5504 (703) 324-1210
www.fairfaxcounty.gov/dpz

For questions about activities conducted below mean low water:

Virginia Marine Resources Commission
P. O. Box 756
2600 Washington Avenue
Newport News, VA 23607-0756 (757) 247-2200
www.state.va.us/mrc

For questions related to permits for land disturbing activities:

Site Permits Section
Department of Public Works and Environmental Services (DPWES)
12055 Government Center Parkway, Suite 201
Fairfax, VA 22035-5504
703-324-1510
www.fairfaxcounty.gov/dpwes/construction/permits

Building Permits Branch
DPWES
12055 Government Center Parkway, Suite 210
Fairfax, VA 22035-5504
703-222-0801
www.fairfaxcounty.gov/dpwes/construction/permits

For questions about permission to construct or grade in a floodplain, exceptions to the Chesapeake Bay Preservation Ordinance and ordinance management area restrictions:

Environmental & Facilities Review Division
DPWES
12055 Government Center Parkway, Suite 500
Fairfax, VA 22035-5504
703-324-1720

For questions related to shoreline erosion:

Shoreline Erosion Advisory Service
Tappahanock Regional Office
P. O. Box 1425
Tappahannock, VA 22560
(804) 443-6752

For questions related to special exceptions for floodplains:

Applications Management Branch
Department of Planning and Zoning
12055 Government Center Parkway, Suite 800
Fairfax, VA 22035-5504
703-324-1290

GLOSSARY

Chesapeake Bay Preservation Ordinance - Chapter 118 of the Code of Fairfax County; the Ordinance adopted by the Fairfax County Board of Supervisors on March 22, 1993, to meet the requirements established by the Code of Virginia, Section 10.1-2100, Chapter 21, known as the Chesapeake Bay Preservation Act. The ordinance was adopted for the purpose of encouraging and promoting the protection of state waters and to preserve the habitat, which those waters provide as well as to reduce existing pollution in the state waters and to prevent further pollution.

Corps of Engineers – This federal agency, which traces its origins back to the Continental Congress in 1775, has played a major role in civil and public works projects over the years. The Corps oversees the federal regulatory role in the implementation and administration of The Clean Water Act. <http://www.nao.usace.army.mil/>

Erosion control – Measures used to prevent movement of sediment onto neighboring properties or into state waters; such movement of sediment is usually caused by excavation, clearing, grading and is exacerbated by the natural forces of wind and rain.

Fairfax County Wetlands Board – Seven member Board appointed by the Fairfax County Board of Supervisors and created on October 17, 1983, to meet the provisions of Title 28.2, Chapter 13, section 28.2-1300 of the Code of Virginia and Chapter 116 of the Code of Fairfax County, known as the Wetlands Zoning Ordinance.

Floodplain – Those land areas in and adjacent to streams and watercourses subject to continuous or periodic inundation from flood events with a one (1) percent chance of occurrence in any given year (i.e. the 100-year flood frequency event) and having a drainage area greater than 70 acres.

Mean low water line - A contour line on a drawing that shows the channelward limits of an average low tide.

Mean tide range - Mean high water and mean low water are defined as the average vertical elevation of all high water tides and low water tides, respectively that have occurred during the 19 year lunar cycle.

Resource Protection Area (RPA) – That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments and nutrients and potentially harmful or toxic substances from runoff entering the Bay and its tributaries.

Tide - The periodic rise and fall of water (in oceans, bays, gulfs, inlets and tidal regions of rivers) resulting from the gravitational interactions between the sun, moon, and earth.

Tidal wetlands - Lands lying between and contiguous to mean low water and between mean low water and mean high water subject to flooding by normal tides and wind tides.

Non-vegetated wetlands –Unvegetated lands lying contiguous to mean low water and between mean low water and mean high water.

Vegetated wetlands – Lands lying between and contiguous to mean low water and an elevation above mean low water equal to the factor on and one-half times the mean tide range. Vegetated wetlands are lands, which are inundated, and saturated by surface and groundwater at a frequency and duration sufficient to support vegetation adapted to life in saturated soil.

Virginia Department of Environmental Quality – Department of the Commonwealth of Virginia formed in 1993 under the authority of the executive branch involved in regulating and permitting related to water, air and waste <http://www.deq.state.va.us/>

Virginia Marine Resources Commission (VMRC) – Agency of the Commonwealth that is responsible for marine management, which seeks to protect the living resources and the habitat of those resources. In addition, the VMRC maintains responsibility for permitting encroachments in or over State-owned submerged lands and oversees the administration of the following laws:

- The Virginia Wetlands Act was passed in 1972 and placed under the management of VMRC;
- The 1980 Coastal Primary Sand Dune Protection Act;
- In 1982, the General Assembly broadened the 1972 Wetlands Act to include non-vegetated wetlands;
- In 1984, a distinct Fisheries Management Division was created and its authority over fisheries issues was strengthened. <http://www.mrc.state.va.us/>

(Originally established in 1875 as the Virginia Fish Commission, the Virginia Marine Resources Commission (VMRC) was re-named by an act of the Virginia General Assembly in 1968.)